

REMARKS

The following remarks are prepared in response to the Office Action of February 23, 2005. Claims 1-34 are pending in this application, after entry of this amendment. Applicant respectfully traverses and requests reexamination.

Defective Declaration

The declaration was objected to as being defective because it was not signed by the inventors.

On January 23, 2002, Applicant filed a declaration signed by all the inventors in response to a notice to missing parts dated January 15, 2002. Applicant submits herewith a copy of the declaration and return postcard from the U.S. Patent Office indicating that the declaration was filed on January 23, 2002. Applicant respectfully requests that the objection to the declaration be withdrawn.

Certified Copy of Priority Document

The Examiner indicated that the Applicant has not filed a certified copy of the foreign priority Japanese application 2000-381870 as required by 35 U.S.C. § 119(b).

Applicant filed a certified copy of the foreign priority Japanese application 2000-381870 with the originally filed patent application. Applicant submits herewith a copy of the return postcard from the U.S. Patent Office indicating that a certified copy of the foreign priority application was filed on December 13, 2001. Applicant respectfully requests that the objection to the priority application be withdrawn.

Rejection Under 35 U.S.C. § 101

Claims 22-25 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 26-29 were rejected under 35 U.S.C. § 101

because the claimed invention recites a recording medium that could be interpreted consistent with the specification as paper or any other recording medium.

Applicant has amended claims 22-29 pursuant to the Examiner's suggestions. Applicant respectfully requests that the rejection of claims 22-29 under 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-3, 11-12, 15, 17-19, 21-29 and 31-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hirose (U.S. Patent No. 5,917,915, hereinafter Hirose).

The Hirose Patent

Hirose's invention has been conceived in view of the following problem. If the newspaper data (namely, scrambled newspaper data) have been received prior to the establishment of a contract are recorded on the recording medium, after the establishment of the contract, even if the contractor may have his own scramble key, he cannot decrypt the scrambled newspaper data which have been recorded on this recording medium (see Hirose, column 2, lines 8-14).

Hirose discloses a scramble apparatus comprising an entire scramble means (e.g., data scrambler 14 shown in FIG. 3) for scrambling an entire portion of the data, and block unit scramble means (e.g., information unit scramble processing unit 27 shown in FIG. 2) for selectively scrambling the data in a preselected block unit (see Hirose, column 3, lines 16-21).

Hirose discloses a descramble apparatus comprising an entire descramble means (e.g., data scrambler 87 shown in FIG. 5) for descrambling the entire portion of data scrambled by the entire scramble means, and block unit descramble means (e.g., information unit scramble processing unit 31 of FIG. 6) for descrambling the data scrambled in a predetermined block unit by the block unit scramble means (see Hirose, column 3, lines 28-35). In this descramble

apparatus, when this apparatus further includes storage means (e.g., recording medium 8 shown in FIG. 6) for storing the data descrambled by the entire descramble means, the data stored in the storage means is descrambled by the block unit descramble means (see Hirose, column 3, lines 36-40). When this apparatus further includes read means (e.g., IC card interface apparatus 111 shown in FIG. 11) for reading a scramble key from the storage medium for storing the scramble key used to descramble the data scrambled in the predetermined block unit by the block unit scramble means, the data can be descrambled by the block unit descramble means with employment of the scramble key read from the read means (see Hirose, column 3, lines 40-47).

The Present Invention

The present invention has been conceived in view of the following problem. In the storage service, when reproducing scrambled content in storage, it difficult to realize a sufficient performance level of the particular reproduction modes, such as fast-forward speed (see Description of the Prior Art).

The present invention discloses a list extracted and stored, the list including all the descrambling keys and specification information used for specifying descrambled contents corresponding to the descrambling keys respectively. The stored list (including all the descrambling keys and the specification information) are extracted. Then, a predetermined unit of scrambled content is extracted either sequentially if in a normal reproduction mode, or in an order different from the normal reproduction mode if in a particular reproduction mode. Using the specification information, a corresponding descrambling key is specified and extracted, to be used in descrambling the extracted unit of scrambled content. Finally, the descrambled unit of content is reproduced sequentially.

Independent Claims 1, 12, 15, 17 and 22-34

Claims 1, 12, 22, 23, 26, 27, 31 and 32 have been amended to recite a descramble processing step for (a) extracting the predetermined unit of scrambled content from the stored scrambled content either sequentially if in a normal reproduction mode, or in an order different from the normal reproduction mode if in a particular reproduction mode, and (b) specifying and extracting a descrambling key corresponding to the predetermined unit of scrambled content from the extracted list, using the key specifying information. That is, a special reproduction mode can be pursued in the same procedure as a normal reproduction mode. Claims 15, 17 and 22-34 have been amended to recite a list including key specifying information for specifying a descrambling key corresponding to the predetermined unit of scramble content.

The extraction of the descrambling key can be executed in a short time and at low load, which improves the performance of particular reproduction processes, such as fast forward speed, to a sufficient level (see Summary of the Invention). The performance level of the particular reproduction modes (especially fast-forward speed) of the scrambled content in storage is improved. The claims have been amended to identify a necessary descrambling key swiftly even when the descrambling keys are required in an extraordinary order. So as to realize this, the descrambling keys are stored as a list together with specification information. According to this construction, the present invention can extract a necessary descrambling key swiftly using the specification information, even when a special reproduction mode is selected for reproducing content in the storage. As a result, the content reproduction is performed smoothly. In this way, the claim amendments distinguish over Hirose.

By contrast, in Hirose, scrambled data is stored in advance, and after the establishment of the contract, a scramble key is obtained and is used to perform descrambling thereby rendering

the data in reproducible form. Therefore, the very characteristic of Hirose lies in the process of scrambling, transmitting, receiving, and storing directed to the content. Specifically, Hirose performs scrambling twice to content, and cancels one of the scrambles in reception of the content in storing of the content. Hirose is different from the claimed invention, in all the aspects of object, specific structures, and effects as described above. Hence, Hirose fails to disclose or suggest the characteristics of the present invention stated above. Moreover, the recited claims can achieve a unique and excellent effect of improving the performance of the particular reproduction modes in the storage service to a desirable level, which is not anticipated or rendered obvious by Hirose. For at least the reasons discussed above, Applicant submits that claims 1, 12, 15, 17 and 22-34 are patentably distinct over Hirose and the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn.

Dependent Claims 2-11, 13, 14, 16 and 18-21

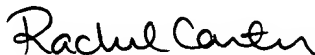
Claims 2-11, 13, 14, 16 and 18-21 depend from independent claims 1, 12, 15 and 17, adding structural features that more particularly define the invention and further distinguish over the cited references and the prior art of record. For these reasons, and for the reasons set forth above for claims 1, 12, 15 and 17, the rejections of these dependent claims under 35 U.S.C. § 103(a) are improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all the pending claims are in condition for allowance, and such action is earnestly solicited. If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 23, 2005.

By: Rachel Carter




Signature

Dated: June 23, 2005

Very truly yours,

SNELL & WILMER L.L.P.



Ketan S. Vakil
Registration No. 43,215
1920 Main Street, Suite 1200
Irvine, California 92614-7230
Telephone: (949) 253-4905



Received in the U.S. Patent Office
Kindly date-stamp and return this card with
Early Notification of Serial No. (if Applicable)

Date: 01/23/02 Serial No.: 10/023,021
Client: NAKAJIMA
For: BROADCAST APPARATUS...
Dkt. No.: NAK1-BQ58




Enclosed Are:

- | | |
|---|--|
| <input type="checkbox"/> Specification and Claims (PP-) | <input checked="" type="checkbox"/> Declaration, Power of Attorney |
| <input type="checkbox"/> Drawings (_____ sheets) | <input type="checkbox"/> Assignment |
| <input type="checkbox"/> _____ Formal _____ Informal | <input type="checkbox"/> Amendment |
| <input type="checkbox"/> Info. Disc. Statement | <input checked="" type="checkbox"/> Certificate of Mailing |
| <input checked="" type="checkbox"/> Check # <u>3044</u> For \$ <u>130.00</u> | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Priority Documents | <input type="checkbox"/> Transmittal Letter |
| <input type="checkbox"/> PTO 1449 W/References | <input type="checkbox"/> Extension of Time |
| <input type="checkbox"/> Small Entity Verification | <input type="checkbox"/> Express Mail No. |
| <input checked="" type="checkbox"/> Other Response To Notice To File Missing Parts Of Application lcc | |
| Notice To File Missing Parts Of Nonprovisional Application | |



Received in the U.S. Patent Office
Kindly date-stamp and return this card with
Early Notification of Serial No. (if Applicable)

Date: 12/13/01 Serial No.:
Client: NAKAJIMA
For: BROADCAST APPARATUS...
Dkt. No.: NAK1-BQ58

jc858 U.S. PTO
10/023021

12/13/01

Enclosed Are:

☒ Specification and Claims (PP116)
☒ Drawings (46 sheets)
 ☒ Formal Informal
___ Info. Disc. Statement
☒ Check # 2859 For \$ 2,168.00
☒ Priority Documents *
☒ PTO 1449 W/References
___ Small Entity Verification
___ Other
 * JAPAN (2000-381870)

(UNEXECUTED)
☒ Declaration, Power of Attorney
___ Assignment
___ Amendment
___ Certificate of Mailing
___ Issue Fee Transmittal
☒ Transmittal Letter Util. Pat. 1cc
___ Extension of Time
☒ Express Mail No. EL 873069417 US